

AMENDMENT

Please amend the application as indicated below.

IN THE CLAIMS:

Claim 1. (AMENDED) A method for producing ~~the creation of~~ a transiently transgenic plant whereby a heterologous transgene temporarily conveys a desirable phenotypic trait to the plant, the method comprising the following steps:

- A1
- a) constructing a gene cassette comprising:
 - (i) one or more DNA sequences ~~for a gene~~ conferring a desirable phenotypic trait;
 - (ii) one or more DNA sequences expressing a recombinase-type protein;
 - (iii) at least one pair of DNA excision sequences cleavable by ~~the a~~ recombinase-type protein, wherein the excision sequences flank ~~the~~ heterologous DNA; and
 - (iv) a transiently activated promoter operably linked to the DNA sequence expressing the recombinase-type protein and controlling expression of the protein, wherein the promoter is activated, and thereby directs expression of the recombinase-type protein, in response to developmental or external stimuli; wherein,
 - (v) the DNA sequence expressing the recombinase-type protein is located in a 5' and/or 3' position to the excision sequences which flank the heterologous DNA;
 - b) introducing the cassette into the genome of the plant; and
 - c) exposing the DNA sequences within the cassette to a stimulus that activates the promoter, whereby the promoter directs expression of the recombinase protein, and the recombinase protein excises the heterologous DNA from the genome of the plant.

Please add the following new claims, 7 and 8.

Rule 1.126
A2

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Claim ~~7~~⁷. (NEW) The method of claim 1, wherein the recombinase type protein is selected from the group consisting of FLP, Cre, R, Gin, PIV, C31, FimB, KW, SSV, IS1110/IS492, ParA, and TnpX.